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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

LAZAREO JONES,

Defendant

Case No.: 2:14-cr-00140-APG-PAL

**Order Denying Motion for Release on
Personal Recognizance Bond Pending
Appeal**

[ECF No.69]

Defendant Lazareo Jones moves for release while his appeal is pending. ECF No. 69. A court may order a defendant released pending appeal if it finds (1) “by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or the community if released,” (2) “that the appeal is not for the purpose of delay” and the appeal “raises a substantial question of law or fact likely to result in . . . reversal [or] a reduced sentence to a term of imprisonment less than the total of the time already served plus the expected duration of the appeal process.” 18 U.S.C. § 3143(b)(1).

Jones contends that his appeal will confirm his position that he has already served more time than should have been imposed had I followed the parties’ overall agreement on the resolution of this case and Jones’s related case (2:16-cr-274-KJD-GWF). His arguments in that regard may be deemed substantial questions and would result in a reduced sentence to a term less than what he has already served. But Jones has not satisfied the first prong of § 3143(b), a showing by clear and convincing evidence that he does not pose a danger to the safety of others or the community. As I discussed at his revocation hearing, Jones has a significant criminal history. He has been convicted of various drug-related offenses, obstructing police officers, domestic battery, and pandering. Several times, bench warrants had to be issued for his failure to

1 attend court hearings. In this case, he was convicted of illegally possessing a weapon and has
2 admitted to violating five conditions of supervised release, including possession of a weapon and
3 tampering with his location-monitoring bracelet.

4 Jones argues that his behavior will be kept in check because he now wants to care for his
5 children and, if released, he'll be under conditions of supervision in the other related case. But
6 Jones has had children for ten years and that has not deterred him from repeatedly breaking the
7 law. More importantly, Jones was under supervision in this case and repeatedly violated those
8 conditions. And before that, he repeatedly violated terms of release in the state court system.
9 There is little evidence, let alone clear and convincing evidence, that Jones will change his ways
10 this time and no longer pose a danger to the community.

11 IT IS THEREFORE ORDERED that Jones's motion for release pending appeal (ECF
12 No. 69) is **DENIED**.

13 DATED this 31st day of August, 2018.

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16 ANDREW P. GORDON
17 UNITED STATES DISTRICT JUDGE
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